

## **REMARKS**

Claims 1-16 are pending in this application. By this Amendment, the specification is amended. No new matter is added. Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

### **I. Drawing Objection**

The Office Action objects to the drawings for omitting Figure 7.

Any reference to Figure 7 in the specification is a typographical error. The paragraph starting at page 6, line 17, has been amended to replace the reference to "Figure 7" with a reference to "Figure 6." Applicant respectfully requests that the objection be withdrawn.

### **II. Allowable Subject Matter**

Applicant thanks the Examiner for the indication that claims 6 and 12 contain allowable subject matter. These claims are not rewritten in independent form, because it is believed that the base claims from which they depend are allowable as discussed below.

### **III. Rejection of Claims 1, 3, 5, 7, 9, 11, 13, and 14-16**

Claims 1, 3, 5, 7, 9, 11, 13, and 14-16 are rejected under 35 U.S.C. §102(b) as unpatentable over U.S. Patent 5,197,280 to Carpenter ("Carpenter"). This rejection is respectfully traversed.

Independent claim 1 recites, a control system for supplying a control signal (c) to a controlled apparatus (P), the system including, *inter alia*, "**a controller (4)** operable to receive the **error signal (e) and a gain signal (k)**, and to output a control signal (c) in **dependence upon the values thereof**, wherein a gain selection means (6) is provided, which gain selection means is operable to receive the error signal (e) and to output **a gain signal (k)**

to the controller (4) in dependence upon the value of the error signal (e)." (emphasis added). Support for the above features may be found throughout the original specification and claims. For example, specific support may be found in the original specification at least at page 2, line 21 through page 3, line 8 and at page 6, lines 4-27 and Figures 2-6. Carpenter does not disclose, teach or suggest such a feature.

For example, the Office Action relies upon Carpenter at col. 5, lines 21-57, and Fig. 3, to support the assertion that Carpenter teaches all of the features of claim 1. However, at col. 5, lines 32-35, Carpenter states that "[t]he first difference means 322 produces a temperature error signal representative of the difference between the actual engine temperature and that of the target temperature. This temperature error signal is coupled to the gain means 330 which adjusts the value of the error signal to provide a signal representative of a proportionate change in the variable exhaust nozzle."

The gain means 330 in Carpenter receives only an "error signal representative of the difference between the actual engine temperature and that of the target temperature." Hence, the gain in Carpenter provides adjustment of the control signal for a proportionate change in engine condition based upon the error signal (i.e., the difference between the actual engine condition and the target position). Regardless of any further processing performed by Carpenter, for example, as described at col. 5, lines 4-19, such an approach does not include "a controller (4) operable to receive the error signal (e) and a gain signal (k), and to output a control signal (c) in dependence upon the values thereof, wherein a gain selection means (6) is provided, which gain selection means is operable to receive the error signal (e) and to output a gain signal (k) to the controller (4) in dependence upon the value of the error signal (e)" (emphasis added)," as recited in the claims.

Accordingly, it is respectfully submitted that independent claim 1 is patentably distinguishable over the applied art. Claim 7 includes a feature similar to that addressed

above with respect to claim 1. Therefore, claim 7 is patentably distinguishable over the applied art for at least the same reasons presented above. Claims 3, 5, 9, 11, 13, and 14-16 depend from independent claims 1 and 7, respectively, and are likewise patentably distinguishable over the applied art for at least their dependence on allowable base claims, as well as for additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

#### **IV. §103 Rejection of Claims 2 and 8**

The Office Action rejects claims 2 and 8 under 35 U.S.C. §103(a) as unpatentable over Carpenter in view of U.S. Patent 5,389,816 to McCarty ("McCarty"). This rejection is respectfully traversed.

Claims 2 and 8 depend from claims 1 and 7, respectively. McCarty fails to overcome the above-described deficiency of Carpenter with respect to claims 1 and 7. Therefore, the asserted combination of Carpenter and McCarty does not teach or suggest the combinations of features recited in claims 1 and 7.

For at least these reasons, it is respectfully submitted that independent claims 2 and 8 are patentably distinguishable over the applied art for at least the reasons discussed above, as well as for additional features claims 2 and 8 recite. Withdrawal of the rejection is respectfully requested.

**V. §103 Rejection of Claims 4 and 10**

The Office Action rejects claims 4 and 10 under 35 U.S.C. §103(a) as unpatentable over Carpenter in view of U.K. Patent 1,135,508, referred to in the Office Action as "IBM." This rejection is respectfully traversed.

Claims 4 and 10 depend from claims 1 and 7, respectively. IBM fails to overcome the above-described deficiency of Carpenter with respect to claims 1 and 7. Therefore, the asserted combination of Carpenter and IBM does not teach or suggest the combinations of features recited in claims 1 and 7.

For at least these reasons, it is respectfully submitted that independent claims 4 and 10 are patentably distinguishable over the applied art for at least the reasons discussed above, as well as for additional features claims 4 and 10 recite. Withdrawal of the rejection is respectfully requested.

**VI. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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